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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/598,538	06/21/2000	Carl W. Shonk	60,314-098	7679

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EXAMINER

TRAN, DALENA

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 11/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/598,538

Applicant(s)

SHONK, CARL W.

Examiner

Dalena Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17, 19 and 23-25 is/are rejected.
- 7) ☒ Claim(s) 18 and 20-22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### **Notice to Applicant(s)**

1. This office action is responsive to the amendment filed on 8/23/02. As per request, claims 1, 9, and 14 have been amended. Thus, claims 1-25 are pending.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-2, and 10, are rejected under 35 U.S.C. 102(e) as being anticipated by Adolph (6,356,836).

As per claims 1-2, Adolph discloses a method for transmitting the location of a vehicle to a location remote from the vehicle comprising the steps: determining a location of the vehicle relative to a road network defined as a first location, and determining a change in the location of the vehicle relative to a road network defined as a second location, the location of the vehicle is communicated with reference to the road network (see columns 5-7, lines 43-5; columns 9-10, lines 45-56; and column 13, lines 12-34), and automatically communicating the location of the vehicle to the remote location based upon change in location (see columns 3-4, lines 38-65).

Claim 10 is an apparatus claim corresponding to method claim 2 above. Therefore, it is rejected for the same rationales set forth as above.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, and 7-8, are rejected under 35 U.S.C.103(a) as being unpatentable over Adolph (6,356,836) in view of Novik (6,339,745).

As per claim 3, Adolph does not disclose the road network is a map database. However, Novik discloses the road network is a map database (see column 5, lines 10-30; and columns 8-9, lines 66-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Adolph by combining the road network is a map database for providing a wide geographic area tracking of vehicle position, therefore, the remote location can manipulate the maps to observe different areas around a vehicle.

As per claims 7-8, Adolph does not disclose the first location is a first street, the second location is a second street, and the first location is a first street address, and the second location is a second street address. However, Novik discloses the first location is a first street, the second location is a second street, and the first location is a first street address, and the second location is a second street address (see columns 9-11, lines 66-55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Adolph by combining the first location is a first street, the second location is a second street, and the first location is a first street address, and the second location is a second street address for accurately taking into account additional specific road in which the current location of the vehicle is

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located, therefore the remote location can accurately detect vehicle at any specific time and locations.

6. Claims 14, and 25, are rejected under 35 U.S.C.103(a) as being unpatentable over Marinelli et al. (4,884,208) in view of Goldberg et al. (5,742,509).

As per claim 14, Marinelli et al. disclose a method for transmitting the location to a location remote from the vehicle comprising steps: determining a location of the vehicle relative to a road network defined as a first location, and determining a new location of the vehicle relative to a road network defined as a second location (see columns 6-7, lines 56-20). Marinelli et al. do not disclose automatically communicating the first and second location at a first and second frequency. However, Goldberg et al. disclose automatically communicating the first and second location of the vehicle to the remote location at a first and second frequency (see columns 3-4, lines 37-5; column 5, lines 4-28; columns 6-8, lines 37-2; and columns 9-10, lines 37-63). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Adolph by combining automatically communicating the first and second location of the vehicle to the remote location at a first and second frequency for continuously establishing and indicating the vehicle position to remote location at certain times and location.

Also, as per claim 25, Marinelli et al. do not disclose the frequencies define a data transmission interval. However, Goldberg et al. disclose the frequencies define a data transmission interval (see columns 8-9, lines 3-27; and column 12, lines 3-31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Adolph by combining the frequencies define a data transmission interval for transferring

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the vehicle location at a specific duration of time to the central data collection and processing facility.

7. Claims 4, and 11, are rejected under 35 U.S.C.103(a) as being unpatentable over Adolph (6,356,836), and Novik (6,339,745) as applied to claim 3 above, and further in view of Mathis (5,948,043).

As per claim 4, Adolph, and Novik do not disclose the location of the vehicle is determined by map-matching. However, Mathis discloses the location of the vehicle is determined by map-matching (see columns 8-9, lines 54-10; and columns 10-12, lines 62-33). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Adolph by combining the location of the vehicle is determined by map-matching to provide information about the actual location of a vehicle as it moves over streets.

Claim 11 is an apparatus claim corresponding to method claim 4 above. Therefore, it is rejected for the same rationales set forth as above.

8. Claims 5-6, are rejected under 35 U.S.C.103(a) as being unpatentable over Adolph (6,356,836), in view of Marinelli et al. (4,884,208).

As per claims 5-6, Adolph does not disclose a first, second, and third frequency. However, Marinelli et al. disclose a third location is arranged between the first and second locations, and communicating the first and second location at first and second frequencies, suppressing communication of the third location, and first and second frequencies are different (see columns 5-8, lines 1-25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Adolph by combining a third location is arranged between the first and second locations, and communicating the first and second location

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at first and second frequencies, suppressing communication of the third location, and first and second frequencies are different for continuously establishing and indicating the location of a movable object, and periodically transmitting frequency signals representative of an identification code uniquely associated with the object.

9. Claims 9,12-13, and 15-16, are rejected under 35 U.S.C.103(a) as being unpatentable over Marinelli et al. (4,884,208), in view of Novik (6,339,745), and Adolph (6,356,836).

As per claim 9, Marinelli et al. disclose an apparatus for a navigation system for transmitting the location of a vehicle to a location remote from the vehicle, comprising: at least one position determining device for providing a vehicle location signal (see columns 2-3, lines 41-8), a processor interconnected to at least one positioning device and database for determining the location of the vehicle relative to map (see columns 3-4, lines 25-50), and a transmitter for producing a transmission signal to the remote location having the location of the vehicle (see column 3, lines 9-24). Marinelli et al. do not disclose a database having a map database with a road network. However, Novik disclose a database having a map database with a road network (see columns 8-9, lines 66-65). Also, Marinelli et al. do not disclose a trigger device. However, Adolph discloses a trigger device for triggering transmission signal, wherein triggering device determines a location of the vehicle relative to road network defines as a first location and determines a change in the location of the vehicle relative to road network defines as a second location, and trigger device automatically commands transmitter to produce transmission signal based upon the change in location (see columns 10-11, lines 65-52). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Marinelli et al. by combining a trigger device for triggering transmission signal, wherein

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triggering device determines a location of the vehicle relative to road network defines as a first location and determines a change in the location of the vehicle relative to road network defines as a second location, and trigger device automatically commands transmitter to produce transmission signal based upon the change in location for monitoring and transmitting the vehicle position to the remote location to determine real time a position of the vehicle relative to geographic data used by the navigation system.

Claims 12-13, are apparatus claims corresponding to method claims 5-6 above.

Therefore, they are rejected for the same rationales set forth as above.

As per claim 15, Adolph discloses the location of the vehicle is communicated with reference to the road network (see columns 3-4, lines 38-65).

As per claim 16, Novik discloses the road network is a map database (see column 5, lines 10-30; and columns 8-9, lines 66-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Marinelli et al. by combining the road network is a map database for providing a wide geographic area tracking of vehicle position, therefore, the remote location can manipulate the maps to observe different areas around a vehicle.

10. Claims 23-24, are rejected under 35 U.S.C.103(a) as being unpatentable over Adolph (6,356,836), Novik (6,339,745), and Marinelli et al. (4,884,208) as applied to claims 5 and 12 above, and further in view of Goldberg et al. (5,742,509).

As per claims 23-24, Adolph, Novik, and Marinelli et al. do not disclose the frequencies define a data transmission intervals. However, Goldberg et al. disclose the frequencies define a data transmission intervals (see columns 8-9, lines 3-27; and column 12, lines 3-31). It would



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have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Adolph, Novik, and Marinelli et al. by combining the frequencies define a data transmission interval for transferring the vehicle location at a specific duration of time to the central data collection and processing facility.

11. Claims 17, are rejected under 35 U.S.C.103(a) as being unpatentable over Marinelli et al. (4,884,208), Novik (6,339,745), and Adolph (6,356,836), as applied to claim 16, and further in view of Mathis (5,948,043).

As per claim 4, Marinelli et al., Novik, and Adolph, do not disclose the location of the vehicle is determined by map-matching. However, Mathis discloses the location of the vehicle is determined by map-matching (see columns 8-9, lines 54-10; and columns 10-12, lines 62-33). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Marinelli et al., Novik, and Adolph by combining the location of the vehicle is determined by map-matching to provide information about the actual location of a vehicle as it moves over streets.

12. Claims 19, is rejected under 35 U.S.C.103(a) as being unpatentable over Marinelli et al. (4,884,208), and Goldberg et al. (5,742,509), as applied to claim 14, and further in view of Ingels (4,024,493).

As per claim 19, Marinelli et al., and Goldberg et al. do not disclose first and second frequencies are based on a distance traveled by the vehicle. However, Ingels discloses first and second frequencies are based on a distance traveled by the vehicle (see columns 2-3, lines 6-23). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Marinelli et al., and Goldberg et al. by combining first and second

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frequencies are based on a distance traveled by the vehicle for generating respective direction and distance traveled of the vehicle.

13. Claims 18, and 20-22, are objected to as being dependent upon a rejected based claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### **Remarks**

14. Applicant's argument filed on 8/23/02 have been fully considered but they are not deemed to be persuasive.

15. Applicant's general argument are the references cited do not teach the communication takes place based upon the change and location of the vehicle occurs automatically. The new cited reference Adolph ('836) as in item 3 above.

Examiner maintains that all the references cited meet the language of the claims invention. Therefore, the rejection under 35 U.S.C.103(a) are considered to be proper.

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136 (a).

A shorten statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE MONTHS** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136 (a) will

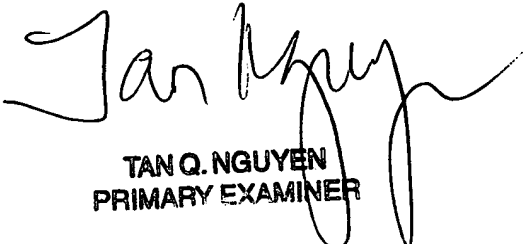
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be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 703-308-8223. The examiner can normally be reached on M-F (7:30 AM-5:30AM), off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on 703-308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

  
TAN Q. NGUYEN  
PRIMARY EXAMINER

/dt  
November 1, 2002